

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

STATE OF MICHIGAN, STATE OF)	
MINNESOTA, STATE OF OHIO, STATE)	
OF WISCONSIN, and)	
COMMONWEALTH OF)	
PENNSYLVANIA,)	
)	
Plaintiffs,)	Case No. 1:10-cv-04457
v.)	
)	Hon. Robert M. Dow, Jr.
UNITED STATES ARMY CORPS OF)	
ENGINEERS and METROPOLITAN)	
WATER RECLAMATION DISTRICT OF)	
GREATER CHICAGO,)	
)	
Defendants.)	

**THE COALITION TO SAVE OUR WATERWAYS
MOTION IN LIMINE TO STRIKE THE AFFIDAVIT AND TO EXCLUDE THE
TESTIMONY OF PLAINTIFFS' EXPERT DAVID M. LODGE**

The Coalition to Save Our Waterways, an unincorporated association (the "Coalition"), by and through its undersigned counsel, hereby moves to strike the affidavit and to exclude the testimony of Plaintiffs' expert David M. Lodge pursuant to Federal Rule of Evidence 702. The grounds in support of this Motion are fully set forth in the Memorandum in Support of this Motion, filed herewith and incorporated herein by reference.

WHEREFORE, the Coalition to Save Our Waterways prays that this Court enter an order (1) granting its motion in limine; (2) striking the affidavit of Dr. Lodge from evidence; (3) disallowing Dr. Lodge to testify at the preliminary injunction hearing; and (4) providing any further relief this Court deems just and necessary.

Dated: August 20, 2010

Respectfully submitted,

THE COALITION FOR SAVE OUR
WATERWAYS

By: s/ Kristin H. Sculli

One of Its Attorneys

David L. Rieser
Kristin H. Sculli
McGuireWoods LLP
77 W. Wacker Drive, Suite 4100
Chicago, Illinois 60601
(312) 849-8100 (phone)
(312) 849-3690 (fax)
drieser@mcguirewoods.com
ksculli@mcguirewoods.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of August, 2010, a copy of the foregoing *Coalition to Save Our Waterways Motion in Limine to Strike the Affidavit and Exclude the Testimony of Plaintiffs' Expert David M. Lodge* was filed electronically. Notice of this filing will be sent to the following attorneys by operation of the Court's electronic filing system:

Plaintiff State of Wisconsin

Cynthia Rae Hirsch
Thomas J. Dawson
Wisconsin Department of Justice
17 W. Main Street
Madison, WI 53707
hirschcr@doj.state.wi.us
dawsontj@doj.state.wi.us

Plaintiff State of Michigan

Louis B. Reinwasser
Robert P. Reichel
Michigan Department of Attorney General
525 Ottawa Street
Lansing, MI 48933
reinwasserl@michigan.gov
reichelb@michigan.gov

Plaintiff State of Minnesota

Peter James Shaw
Steven M. Gunn
Minnesota Attorney General's Office
445 Minnesota Street, Suit 1200
St. Paul, MN 55101
peter.shaw@state.mn.us
steven.gunn@state.mn.us

Plaintiff Commonwealth of Pennsylvania

John Bartley Delone
Pennsylvania Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120
jdalone@attorneygeneral.gov

Defendant U.S. Army Corps of Engineers

Maureen Elizabeth Rudolph
Matthew Michael Marinelli
Department of Justice
601 D Street NW
Washington, DC 20004
maureen.rudolph@usdob.gov
matthew.marinelli@usdoj.gov

Kurt Lindland
United States Attorneys' Office
219 S. Dearborn Street, Suite 500
Chicago, IL 60604
kurt.lindland@usdoj.gov

**Defendant Metropolitan Reclamation
District of Greater Chicago**

Ronald Michael Hill
Brendan George O'Connor
Ellen Marie Avery
Frederick M. Feldman
Lisa Luhrs Draper
Margaret Theresa Conway
100 E. Erie Street
Chicago, IL 60611
ronald.hill@mwr.org
brendan.oconnor@mwr.org
ellen.avery@mwr.org
frederick.feldman@mwr.org
lisa.luhrsdraper@mwr.org
margaret.conway@mwr.org

Intervenor City of Chicago

Mortimer Parker Ames
Diane M. Pezanoski
Graham G. McCahan
City of Chicago, Law Department
30 N. LaSalle Street, Suite 1020
Chicago, Illinois 60602
mames@cityofchicago.org
dpezanoski@cityofchicago.org
gmccahan@cityofchicago.org

Intervenor Wendella Sightseeing Company

Stuart Krauskopf
Michael Schnitzer
The Law Offices of Stuart P. Krauskopf
414 N. Orleans Street, Suite 210
Chicago, Illinois 60654
stu@stuklaw.com
mschnitzer@stuklaw.com

____s/Kristin H. Sculli____